

### REMARKS

We are in receipt of the Office Action dated December 3, 2003, and the above amendment and the following remarks are made in light thereof.

Claims 46-88 are pending in the application. Pursuant to the Office Action, claims 46-88 are rejected. Specifically, claims 59, 65, 68 and 86 are rejected under 35 USC 112 for indefiniteness due to a lack of antecedent basis for certain language in claims 59 and 68. Claims 46, 47, 56 and 62 are rejected under 35 USC 102(e) as being anticipated by Kadota et al. 5,818,550. Claims 48-55, 57, 58, 60, 61, 63, 64, 66 and 67 stand rejected under 35 USC 103 as being unpatentable over Kadota et al. and further in view of Seo 6,323,521. Claims 71, 73, and 74 are rejected under 35 USC 103 as being unpatentable over Kadota et al. and further in view of Ha 5,677,207. Claims 72, 75 and 76 stand rejected under 35 USC 103 as being patentable over Kadota et al. in view of Seo and further in view of Ha. Claims 77, 78, 83 and 86 are rejected under 35 USC 103 for being unpatentable over Kadota et al. further in view of Matsumoto 5,323,042. Claims 79-82, 84, 85, 87 and 88 stand rejected under 35 USC 103 as being unpatentable over Kadota et al. in view of Seo and further in view of Matsumoto. Claim 68 stands rejected under 35 USC 103 as being unpatentable over Kadota et al. further in view of Mikoshiba 5,499,123. Claims 69 and 70 stand rejected under 35 USC 103 as being unpatentable

over Kadota et al. in view of Seo and further in view of Mikoshiba. These rejections are made final.

Turning first to the rejections for indefiniteness. Claims 59 and 68 have been amended to address the examiner's rejection. Additionally, claims 69 and 70 have been amended for similar reasons as apply to claim 68.

Turning to the rejections based upon prior art, all of the pending independent claims, except for claim 59 (which has not been rejected based upon prior art), are rejected over Kadota et al. either alone or in view of one or more of Seo, Ha, Matsumoto, and Mikoshiba.

Turning first to independent claims 46-48, 50, 52, and 54, a color filter is required that has a flattened surfaced formed over the interlayer insulating film and the conductive layer. The examiner contends that Kadota et al. which is a color filter having a flattened surface. The examiner identifies color filters 9R/9G/9B, which are shown in Fig. 1. In addition, the specification for Kadota et al. states, at Col. 4, lines 31-35: "The second layer is overlain by a third layer which is constituted by a planarization film 10 which fills the convexities presented by the TFT and the color filter 9 so as to provide a flat smooth surface." However, the color filters shown in Fig. 1 have concavities and convexities, and thus do not have flattened surfaces. Additionally, the quoted sentence should be understood as indicating that the TFT and the color

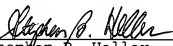
filters cause the convexities, and the planarization film takes a roll of flattening the convexities. Accordingly, applicant submits that neither Kadota et al., nor any of the other cited references, teach a color filter having a flattened surface. Thus, applicant submits that independent claims 46-48, 50, 52 and 54, the claims that are dependent therefrom, are patentable over the art of record.

Turning to independent claims 56-58, 60 and 61, these claims require that the color filter be formed over the passivation film or the interlayer insulating film and the first thin film transistor. The color filter shown in Kadota et al. apparently does not cover the TFT's, and the other cited references do not seem teach a color filter covering a passivation film and a TFT. Accordingly, applicant submits that claims 56-58, 60 and 61, and the claims dependent therefrom, are patentable over the art of record.

Based upon the foregoing, applicant believes that the application is now in condition for allowance and an early Office Action in this regard is earnestly solicited.

Respectfully submitted,

Dated: February 3, 2004

  
\_\_\_\_\_  
Stephen B. Heller  
Attorney of Record  
Registration No.: 30,181  
COOK, ALEX, McFARRON, MANZO,  
CUMMINGS & MEHLER, LTD.  
200 West Adams Street, Suite 2850  
Chicago, Illinois 60606  
(312) 236-8500